

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 04-1462  
No. 04-1523

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MASSARO LIMITED PARTNERSHIP (PARK WEST TWO),  
a Pennsylvania Limited Partnership

v.

BAKER & TAYLOR INC., a corporation,

Appellant in No. 04-1462

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MASSARO LIMITED PARTNERSHIP (PARK WEST TWO),  
a Pennsylvania Limited Partnership,

Appellant in No. 04-1523

v.

BAKER & TAYLOR INC., a corporation

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

District Court No. 00-cv-01234  
District Judge: The Honorable Gary L. Lancaster

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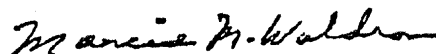
Argued July 14, 2005

Before: ALITO, VAN ANTWERPEN, and ALDISERT, Circuit Judges

## JUDGMENT

This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was argued on July 14, 2005. On consideration whereof, it is now ORDERED and ADJUDGED by this Court that the order of the District Court entered June 29, 2001, be and hereby is AFFIRMED; that the order of the District Court entered February 6, 2004, be and hereby is REVERSED; and that this matter is REMANDED to the District Court. Costs taxed against Massaro Limited Partnership (Park West Two). All of the above in accordance with the opinion of this Court.

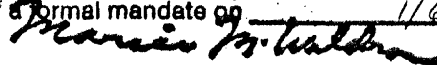
ATTEST:



Clerk

Dated: December 15, 2005

Certified as a true copy and issued in lieu  
of a formal mandate on 1/6/06



Teste:

Clerk, U.S. Court of Appeals for the Third Circuit

Pursuant to Rule 39(d), FRAP,  
costs taxed in favor of  
Appellant added hereto on  
January 9, 2006, as follows:

Appellant's Brief.....	\$132.30
Appendix.....	\$472.50
Reply Brief.....	\$ 47.60
Sales Tax.....	\$ 42.33
Docketing Fee.....	<u>\$250.00</u>
TOTAL.....	\$944.73

